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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,433	12/15/2000	Richard A. Baker	SAA-35-1	9556

23569 7590 07/12/2004

SQUARE D COMPANY  
INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER
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LE, HIEU C

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 07/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/738,433

Applicant(s)

BAKER ET AL

Examiner

Hieu c. Le

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 11- 48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/01/02</u>  | 6) <input type="checkbox"/> Other: ____.                                    |

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 8-11, 22-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation " the messages between a remote location and the at least one IED " in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation " the Modbus message received from the remote location " in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation " the message allowing the at least one IED " in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation " the message transfer between the remote location " in line 17. It is not clear whether "the message" recited on line 15 is the same or different from "a message" recited on line 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation " the message transfer between the remote location " in line 15. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 47-48 are rejected under 35 U.S.C. 102(b) as anticipated by Mizuno, Yoshiro et al. (WO97/18636).

As to claim 47, Mizuno discloses a method of communicating with an intelligent electronic device operably connected to a communication network, the method comprising the steps of:

utilizing a web browser to contact the intelligent electronic device [Fig. 1 shows a user using a browser to access a controller and contacts a target device like VCRs, TVs, airconditioners, (electronic device), the devices reply or send status information back to the controller (i.e the electronic devices are smart or intelligent) to be received (p. 5, lines 19-22) and obtaining information from the intelligent electronic device (p. 5, lines 19-22) .

As to claim 48, Mizuno discloses a the step of sending information to the intelligent electronic device from the web browser [ the user input to the www browser effect remote command transmission (sending information ( p. 4, lines 6-10 )].

5. Claims 47-48 are rejected under 35 U.S.C. 102(b) as anticipated by Elektronik, No. 8 , "Internet Access to Lon", pp. 60-68.

Art Unit: 2142

As to claim 47, Elektronik discloses a method of communicating with an intelligent electronic device operably connected to a communication network, the method comprising the steps of:

utilizing a web browser to contact the intelligent electronic device [ a web browser is used to remotely access and control and installation a product or a system ( p. 2, lines 1-22), that is a remote meter, (electronics device) that reports it's reading (intelligent device) (p. 9, last five lines) and obtaining information from the intelligent electronic device [ obtaining the reading of the meter (p. 9, last five lines) .

As to claim 48, Mizuno discloses a the step of sending information to the intelligent electronic device from the web browser [ user's inputs (information) are transmitted to the server and sent to the appropriate nodes (devices) ( p. 2, lines 19-21)].

Claim 22 would be allowable if it overcome the 112,2<sup>nd</sup> paragraph.

Claims 1-7 are allowed.

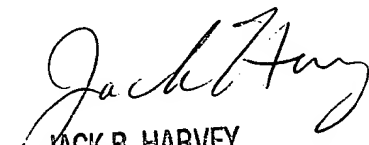
Art Unit: 2142

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (703) 306-3101. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (703) 305-9705. The fax phone number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hieu Le

  
JACK B. HARVEY  
SUPERVISORY PATENT EXAMINER